

Appl. No. 09/766,910
Amdt. dated December 22, 2003
Reply to Office Action of September 23, 2003

REMARKS/ARGUMENTS

The Applicant would like to thank the Examiner for the courtesy extended during the Interview of December 11, 2003.

The application has been corrected as requested by the Examiner.

In addition, the independent claims have been cancelled and replaced with new claims as discussed below.

The subject application is a continuation of U.S. Patent No. 6,200,289. In order to expedite the allowance of that parent patent its claims have been limited to a method and device in the device has an injection mode of operation and a charging mode. To this end, claim 1 has been cancelled and replaced with new claim 17 which is similar to claim 1 in the '289 patent except that it recites that commands are used to automatically advance the piston to an empty position and then withdraw it to a full position to fill the reservoir. Method claim 18 of the present application is submitted which describes the operation of the device of claim 17.

The prior art teaches a device which can provide aspiration. However, nowhere in the prior art is there a discussion of connecting the reservoir to a therapeutic fluid source, and accordingly, the claims are clearly patentable over the references of record.

It is respectfully submitted that the subject application is patentably distinguishable over the prior art and should be allowed.

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Regarding the Drawing and Specification Corrections

The Examiner requested a correction regarding numerals 95A and 96 as described in the paragraph starting on page 8, line 32. The applicant hereby points out that 95A is a tab and 96 is a pad. To further clarify this matter, the specification has been amended to correct "finger tab" to tab.

Regarding Inventorship

It is respectfully submitted that the inventorship is being corrected under 37 CFR 1.48(b) and accordingly it was properly amended when the subject application was filed. The undersigned hereby acknowledges that the invention of the omitted inventors is not claimed in the present application. A check for \$130.00 is attached in accordance with 37CFR 1.17(i).

It is respectfully submitted that the subject application is patentably distinguishable over the prior art and should be allowed.

Respectfully submitted,

GOTTLIEB, RACKMAN & REISMAN, P.C.

By: _____

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